

~~RESOLUTION~~ ORDINANCE  
NO. 00544

AN ORDINANCE granting an Unclassified Use Permit as provided for in King County Zoning Resolution No. 25789, as amended, at the request of Weyerhaeuser Properties, Inc., Department of Planning File No. P 69-199.

BE IT ORDAINED BY THE COUNCIL OF KING COUNTY:

SECTION 1. Weyerhaeuser Properties, Inc., petitioned on September 26, 1969, requesting an Unclassified Use Permit on the property described in Section 3 below and this application was assigned Department of Planning No. P 69-199.

SECTION 2. The report and recommendation of the Department of Planning was transmitted to the Council on November 24, 1969, and hearing was held on this matter on December 1, 1969.

SECTION 3. The legal description of the property hereby reclassified is attached as Appendix A and is hereby made a part of this ordinance. The above described property is shown on the attached map which is designated Appendix B and is hereby made a part of this ordinance.

SECTION 4. The King County Council does hereby grant an Unclassified Use Permit for that property described and shown in Section 3, above and directs that Area Maps E&W 10-21-5 and E&W 15-21-5, be modified to so designate.

SECTION 5. This permit is granted subject to the conditions listed in Appendix C and is hereby made a part of this ordinance. The permittee in obtaining this permit accepts said conditions in full and agrees that failure satisfactorily to comply with any condition shall be cause for the permit to be cancelled without notice or hearing and for immediate work stoppage. Reinstatement of the permit shall be subject to demonstration that adequate remedies have been effected to assure future compliance. The burden of proof of satisfactory

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compliance shall rest upon the permittee.

PASSED this 10<sup>th</sup> day of August, 1970.

KING COUNTY COUNCIL  
KING COUNTY, WASHINGTON

Bill Kean  
Chairman

ATTEST:

Ralph A. Steiner  
Clerk of the Council

APPROVED this \_\_\_\_\_ day of \_\_\_\_\_, 1970.

DEEMED ENACTED WITHOUT  
COUNTY EXECUTIVE'S SIGNATURE

DATED 8-24-70

King County Executive

ORDINANCE READINGS

1st 4-27-70

2nd 8-10-70

3rd 8-10-70

Effective Date \_\_\_\_\_

DESCRIPTION:

northeast quarter of the east half of the northwest quarter,  
southwest quarter and the north half of the southeast quarter  
of Section 15, Township 21 North Range 5 East, W.M. Less County  
roads.

That portion of the southwest quarter of the southeast quarter,  
lying south of the Auburn-Black Diamond Road, as described in  
1982, EXCEPT the east 400' thereof, in Section 10, Township 21  
North, Range 5 East, W.M. Less County roads.

That portion of the southeast quarter of the southeast quarter,  
lying south of the Auburn-Black Diamond Road, as described in  
1982, EXCEPT the west 240' thereof, in Section 10, Township 21  
North, Range 5 East of W.M. Less County roads.

That portion of the southeast quarter of the southwest quarter  
of Section 10, Township 21 North, Range 5 East, W.M. lying  
southerly of the Auburn-Black Diamond Road and easterly of a  
line commencing at a point on the south line of said subdivision  
which bears N 89° 33' 12" E. 489.75 feet from the southwest  
corner thereof, thence N 20° 36' 48" W. to the south line of  
said Auburn-Black Diamond Road. Less County roads.

## CONDITIONS

1. The permit is granted for a 10 year period from the effective date of the authorizing ordinance. Consecutive 5 year extensions, not to exceed a total of 40 years, may be granted upon a satisfactory record of compliance with all permit conditions set forth herein and such other conditions as the Council may deem necessary as a result of further experience with this operator.

The letters of approval referred to in items 10, 11, and 12 below, must be resubmitted prior to the granting of any extension. Additional regulations and restrictions in effect at similar operations throughout the county may be imposed in granting an extension.

2. The 150' berm shall remain in its natural state and coniferous vegetation shall be maintained and/or planted as needed so as to visually screen all plant operations-including stockpiles, towers, and lights, from observation by passengers in automobiles using the public roads abutting the property and from view by residents of abutting property.

3. The Auburn-Black Diamond Road is a major arterial requiring 100' right-of-way and S.E. 336th Street is a secondary arterial requiring 84' right-of-way. The permittee shall deed such additional right-of-way as necessary to provide a 50' right-of-way south of the centerline of the Auburn-Black Diamond Road and a 42' right-of-way north of the centerline of S.E. 336th Street.

5. Pedestrians walkway primarily for school children, bus waiting areas removed from traffic and shoulder improvement to improve traffic safety along the Auburn-Black Diamond Road between the Soos Creek Bridge and the entrance to this permitted use as required by the King County Department of Public Works shall be provided by the permittee prior to any excavation upon the subject

property.

5. Only one point of access or egress to the subject operation shall be allowed.

6. Area of operation shall be properly fenced and gates installed inside the 150' buffer. Said fence shall consist of a 6' high cyclone fence or its equivalent properly posted with signs at reasonable intervals warning of the use within. This fence shall be installed prior to any excavation upon the subject property.

7. Strip-mining operations shall be restricted to one 40-acre tract at a time. One additional 40-acre tract (contiguous to the one being mined) may be cleared for mining and a second contiguous 40-acre tract rehabilitated at the same time. At no time shall the property being used for either the plant site or being operated exceed the original proposed plant site plus three contiguous 40-acre tracts; conveyor lines and necessary access road excepted.

8. Upon completion of mining on any units (as shown on the approved plans) the required rehabilitation work shall be commenced as soon as practicable but in no event later than one year from the completion of mining on the unit or the cessation of bona fide storage or processing operation upon the unit, whichever is later. In order to insure further use of the subject land upon conclusion of the use permitted by this Unclassified Use Permit special attention shall be given to compliance with the provisions of the King County Zoning Code Chapter 24.42.120, "Land Rehabilitation." Exceptions to K.C.C. 24.42.120 shall be that no slope shall exceed a ratio of 2 to 1 and that all rehabilitated areas must be seeded with perennial grasses.

9. The topography after excavation shall comply with plans and approved by the King County Department of Planning prior to issuance of permit and no excavation shall be conducted

beyond the limits shown without prior approval.

9 a) A minimum of three feet of permeable material shall be maintained as disclosed by test borings or approved back fill shall be placed before restoring the required minimum four inches of top soil.

10. Terms and conditions of approval must be received in writing from the State Department of Ecology to the Department of Planning prior to issuance of this permit and the same are incorporated herein and made a part hereof by reference. Future failure to comply with the terms and conditions of this Agency shall be deemed to be failure to comply with this condition.

11. Terms and conditions of approval must be submitted by the State Department of Fisheries to the Department of Planning prior to issuance of this permit and the same are incorporated herein and made a part hereof by reference. Future failure to comply with the terms and conditions of this Agency shall be deemed to be failure to comply with this condition.

12. Terms and conditions of approval must be submitted by Puget Sound Air Pollution Control Agency to the Department of Planning prior to issuance of this permit and the same are incorporated herein and made a part hereof by reference. Future failure to comply with the terms and conditions of this Agency shall be deemed to be failure to comply with this condition.

12 a) Any new processes, chemicals or materials used in processing, or plans of operation must have advance written approval of all regulatory agencies before installation.

13. Drainage plans acceptable to the King County Department of Public Works shall be submitted prior to issuance of this permit. These plans shall make provision for the retention of all suspended particulate material (silt) on the

1 site and shall indicate the provision of excess capacity to  
2 safely accommodate unusual weather or unanticipated silt and  
3 sediment in the deposit.

4 14. A closed aggregate washing system shall be used in  
5 the processing of all material done on the site. Attention  
6 shall be given to preventing water from this system from enter-  
7 ing the storm drainage system.

8 15. At such times as requested by either King County or  
9 the State Department of Ecology, but in no event less often  
10 than monthly, the permittee shall cause water samples to be  
11 taken from Soos Creek of the Green River at such points as  
12 designated by either agency. These samples shall be taken,  
13 analyzed and reported upon by an entity approved by both King  
14 County and the State Department of Ecology and copies of their  
15 reports shall be transmitted directly to both agencies. If at  
16 any time these reports indicate water quality conditions not  
17 meeting the requirements of the State Department of Ecology  
18 this shall be deemed as failure to comply with this condition.

19 16. No advertising or read-a-board signs shall be per-  
20 mitted; one double face identification sign not exceeding 50  
21 square feet shall be permitted. Said sign shall not be blink-  
22 ing or flashing. Any sign and its location must be approved by  
23 the Department of Planning.

24 17. "On site" operations shall be permitted only from  
25 five o'clock a.m. until nine o'clock p.m., five days per week;  
26 "off site" operations shall be permitted only from six o'clock  
27 a.m. until six o'clock p.m., five days per week.

28 18. Lighting shall be located and shaded to preclude  
29 direct visibility from adjacent property.

30 19. A copy of the "Haul Road Agreement" with the King  
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County Department of Public Works must be received by the Department of Planning prior to issuance of the permit. This Agreement will provide for two-stage improvement of the Auburn-Black Diamond Road as necessitated by the operations associated with this permit, and the permittee shall participate by the payment of 35% of the total cost of each stage.

Stage I must be completed and a bond assuring the permittee's participation in Stage II shall be in the hands of the Public Works Department prior to commencement of operations. Stage II shall be accomplished when deemed necessary by the Public Works Department.

Stage I shall include shoulder widening, drainage improvement, removal of sight distance obstructions and provision of adequate pedestrian facilities. Stage I is estimated to cost approximately \$100,000.00.

Stage II shall include asphalt cement overlay and new paving to bring the existing roadway surfaces up to a nominal 6" thickness and to widen as determined necessary. Stage II is estimated to cost \$265,000.00.

The scope of both Stage I and Stage II is: (1) Auburn-Black Diamond Road from Neeley Bridge to 148th Avenue S.E., and (2) S.E. 336th Street from 133rd Avenue S.E. to 140th Avenue S.E.

20. The issuance of this permit shall not be used by the permittee as cause to object to water or sewer L.I.D.'s or other means of extending these utilities initiated to serve the abutting property and the permittee agrees to participate with abutting property owners in efforts to secure such utility services in the same manner which he would were the subject property devoted to residential use rather than the permitted use.

21. The provisions of King County Zoning Code, Chapter 24.42 Q.M. "Quarry and Mining Classifications" pertaining but not



limited to the standards of performance relative to:

- 2442.050 Sound Levels
- .060 Odors
- .070 Toxic Gasses and Molten
- .080 Dust and Airborne Solids
- .090 Smoke
- .100 Blasting and other activity producing  
ground vibration
- .110 Stagnant Water

22. A bond in the amount of \$250,000. shall be posted to assure compliance with the conditions of this permit. A liability insurance policy in the amount of \$5 million naming King County and the Washington State Department of Fisheries as an additional insured shall be secured and maintained. Failure to renew either this bond or insurance policy on or before their respective anniversary dates shall constitute noncompliance with this condition. The amount of the bond and insurance may be renegotiated at the time extension of the permit is considered.

23. No work will be permitted on site until a grading permit is issued by the King County Department of Building. The Department of Building will not issue said permit until the Department of Planning forwards an approved set of grading plans along with the operating conditions. The Department of Planning will not submit such plans until receiving a copy of letters of approval from all regulatory agencies involved.

24. The permit does not include allowance of the operation of an asphalt plant on the property; however, this condition should not be construed to preclude a future application for such permission.